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ABSTRACT

Civil Rights compliance is the subject of this technical assistance module. It is a guide for trainers who seek to familiarize education personnel with the legal intent, the procedural requirements, and the employment practices requirements contained in Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. Ten activities are described and materials, including eight transparency masters and five handouts, are included within the module. Three background readings discuss federal law and narrate the history of the civil rights movement as told in the videotape, "Eyes on the Prize." Goals for the participants are the following: (1) to become familiar with the race desegregation services available through Title IV Desegregation Assistance Centers; (2) to become familiar with the civil rights movement activities that occurred between 1954 and 1965; (3) to become familiar with the legal intent of the Civil Rights Act; (4) to become familiar with the procedural requirements for civil rights compliance; and (5) to become familiar with the employment practices requirements and practices of the civil rights legislation. The suggested time for completion of the module is 3 hours. Nine training modules and two more technical assistance modules are available on topics related to desegregation and equity. (VM)

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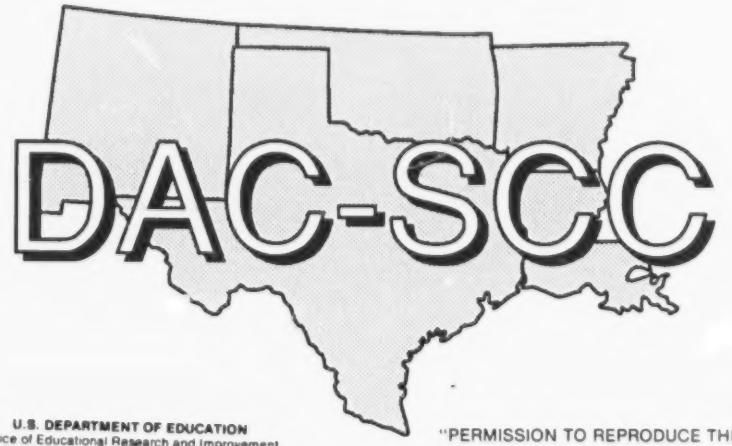
TECHNICAL ASSISTANCE MODULE

Civil Rights Compliance: An Update



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Technical Assistance Module: Race Desegregation

Civil Rights Compliance: An Update

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FOREWORD

The Desegregation Assistance Center - South Central Collaborative of Region VI, located in San Antonio, Texas, serves the educational equity needs of school personnel, parents and students in a five-state area: Arkansas, Louisiana, Oklahoma, New Mexico, and Texas.

The technical assistance and training that our center provides focuses on the issues and problems related to race desegregation, gender equity and national origin desegregation. This task is great, the needs are diverse, and the geographic area is extensive. Thus, we are pleased to have developed twelve technical assistance and training modules (four in each equity area) that are intended to build the capacity of school personnel to address their own needs.

We wish to acknowledge the excellent collaboration and contributions of our satellite center at the University of New Mexico-Albuquerque, in the development of these modules.

Each module is complete with objectives, pre/post-tests, activities to help participants meet each objective, readings, handouts, and transparency masters. The modules have undergone a rigorous review process by experts in each state in our service area. Their comments and contributions have been carefully incorporated into the final modules. The modules are:

<u>Technical Assistance Modules</u>

Federal Statutes and Directives Regarding National Origin Students

Federal Statutes and Directives Regarding Title IX Compliance

Civil Rights Compliance: An Update

<u>Training Modules</u>

I First and Second Language Acquisition Processes

II Integrating the ESL Student into the Content Area Classroom

III Recognizing Cultural Differences in the Classroom

IV Sex Stereotyping and Bias: Their Origin and Effects

V Modeling Equitable Behavior in the Classroom

VI Avoiding Sex Bias in Counseling

VII Equity in Counseling and Advising Students: Keeping Options Open

VIII Interpersonal Communications: A Human Relations Practicum

IX It's a Matter of Race: Race Relations in the Desegregated Setting

We have attempted to bring you the most up-to-date information in these modules. They are available individually ($7.50 each) or as an entire series ($75.00). A "Trainer of Trainers" session can also be arranged to enhance the capacity of your own personnel to use these modules effectively.

Breaking down the barriers to equal educational opportunity is a critical step towards educational excellence, equity and empowerment for all students. We hope these modules will expedite that effort.

Gloria Zamora, Ph.D.
Director, DAC-SCC

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Civil Rights Compliance: An Update

Summary: This module is designed to familiarize participants with the legal intent, the procedural requirements, and the employment practices requirements contained in Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973.

Length of session: 3 hours

Objectives:

1. Participants will become familiar with the race desegregation services available through Title IV Desegregation Assistance Centers.
2. Participants will become familiar with the civil rights movement activities that occurred between 1954 and 1965.
3. Participants will become familiar with the legal intent of the Civil Rights Act.
4. Participants will become familiar with the procedural requirements for civil rights compliance.
5. Participants will become familiar with the employment requirements and practices of the civil rights legislation.

Overview of Session:

Time	Objective	Activity	Materials
10 minutes	Objective 1	Discussion	Transparencies (1-2)
10 minutes		Warm-up	None
5 minutes		Pre-test (optional)	Pre-test
20 minutes	Objective 2	Discussion	Handout 1
30 minutes	Objective 3	Lecturette	Transparencies (3-5)
15 minutes		Break	
40 minutes	Objective 4	Large/small group discussion	Transparency 6 Handouts (2-3)
35 minutes	Objective 5	Lecturette Small group activity	Transparency 7 Handout 5
5 minutes		Post-test (optional)	Post-test
5 minutes		Closure	Transparency 8
5 minutes		Evaluation	

Background readings for the presenter:

Hayden, Robert C. Eyes on the Prize: Viewer's Guide. Boston: Blackside Inc., 1987.

U.S. Department of Education, Office for Civil Rights. Education and Title VI of the Civil Rights Act of 1964. Washington, D.C.: U.S. Government Printing Office, n.d.

U.S. Department of Education, Office for Civil Rights. Section 504 of the Rehabilitation Act of 1973: Handicapped Persons' Rights Under Federal Law. Washington, D.C.: U.S. Government Printing Office, 1980.

Objective 1: Participants will become familiar with the race desegregation services available through Title IV Desegregation Assistance Centers.

Time: 10 minutes

Materials:

Transparencies:

1. Title IV Desegregation Assistance Centers
2. Race Desegregation

Lecturette:

(Display Transparency 1)

Desegregation Assistance Centers are funded under Title IV of the Civil Rights Act of 1964. Currently, there are ten Desegregation Assistance Centers throughout the United States. DACs serve a designated service area within the fifty states and trust territories. (Identify your region and the territory served by your DAC. The following list of DAC regions, states served, and directors may be used as reference.)

Region	States Served	Director & Address
A	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Raymond Rose The NETWORK 290 South Maine St. Andover, Massachusetts 01810
B	New Jersey, New York, Puerto Rico, Virgin Islands	LaMar Miller New York University School of Education Health, Nursing & Arts Professions Metro Center 32 Washington Square New York, New York 10003
C	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia	Sheryl Denbo American University 4400 Massachusetts Ave., N.W. Washington, D.C. 20016
D	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee	Gordon Foster University of Miami P.O. Box 248065 Coral Gables, Florida 33124

E	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	Percy Bates Programs for Educational Opportunity The University of Michigan 1033 School of Education Building Ann Arbor, Michigan 48109-1259
F	Arkansas, Louisiana, New Mexico, Oklahoma, Texas	Gloria Zamora Intercultural Development Research Association 5835 Callaghan, Suite 350 San Antonio, Texas 78228
G	Iowa, Kansas, Missouri, Nebraska	Shirley McCune Mid-continent Regional Educational Laboratory Equity Division 4709 Belleview Kansas City, Missouri 64112
H	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming	Dianne Siegfreid Weber State College Mountain West Educational Equity Center 3750 Harrison Boulevard Ogden, Utah 84408
I	Arizona, California, Nevada	Harriet Doss Willis Southwest Regional Laboratory for Education Research & Development 4655 Lampson Avenue Los Alamitos, California 90720
J	Alaska, Hawaii, Idaho, Oregon, Washington, American Samoa, Guam, Northern Mariana Islands, Trust Territory of the Pacific	Ethel Simon-McWilliams Northwest Regional Educational Laboratory 101 S.W. Main Street, Suite 500 Portland, Oregon 97204

(Display Transparency 2)

Desegregation Assistance Centers are designed to provide information, technical assistance, and training to any eligible requesting local education agency (LEA) in three equity areas. One of these areas is race desegregation.

Race Desegregation

"Race desegregation" means the assignment of students to public schools and within those schools without regard to their race, including providing students with a full opportunity for participation in all educational programs. "Race desegregation" does not mean the assignment of students to public schools to correct conditions of racial separation that are not the result of state or local law or official action.

Information, technical assistance, and training are available to local education agencies, parents, and community members. The authorized areas of activity include:

(1) The preparation and adoption of race desegregation plans;
(2) The identification of educational problems that have arisen, or that may arise, from the implementation of a race desegregation plan;
(3) The development of methods of encouraging student, parent, and community support for, and involvement in, the race desegregation process;
(4) The recruitment of members of racial minority groups for employment in public schools;
(5) The development of procedures to prevent discrimination on the basis of race in public school employment practices, such as hiring, assignment, promotion, transfer, termination, and payment;
(6) The development of procedures to prevent student assignments within public schools (including assignments to ability groups) that discriminate on the basis of race:
(7) The development of disciplinary procedures that do not discriminate on the basis of race;
(8) Meeting other civil rights related requirements of the Emergency School Aid Act (sec. 706(d) of Public Law 92-318, as amended);
(9) The development of methods of encouraging the participation of students of all races in school activities;
(10) The identification of race stereotypes in textbooks and other curricular materials and the development of methods of countering their effects on students;
(11) The development of human relations activities designed to facilitate racial harmony in public schools; and
(12) the identification of federal, state, and other resources that would assist in coping with educational problems occasioned by race desegregation.

Desegregation Assistance centers may not assist in the preparation of applications for financial assistance.

Source:

Title IV, Civil Rights Act of 1964 (P.L. 88-352), Sec. 401 et seq.

Warm-up

Time: 5 minutes

Materials:

None

Process:

Have the participants write the names of three people, places or events that they associate with the civil rights movement. Ask the participants to share these items and write them on the chalkboard. Call attention to the broad spectrum of people, places, and events that culminated in the Civil Rights Act.

Pre-Test (optional)

Time: 5 minutes

Materials:

Pre/Post-Test

Administer the pre-test to the participants. Provide the correct responses from the answer key below.

Answer Key

1. False - Applicants for employment are covered under Title VI in the areas of race, color, and national Origin.
2. True - Title VI protects individuals from retaliation in any form.
3. True - Acts of discrimination are against the law.
4. True - Title VI covers the three areas of race, color, and national origin.
5. False - The Rehabilitation Act of 1973 deals with handicapped persons; the Education Act of 1972 deals with sex equity.
6. False - Any employee who feels that he or she has been discriminated against may go directly to the Office for Civil Rights.

Pre/Post-Test

Name:_____ Date:_____

Identify the following statements as true or false.

True False 1. Title VI forbids employment discrimination against employees, not applicants for employment.

True False 2. Title VI protects individuals from retaliation if they oppose an unlawful educational practice.

True False 3. No qualified person shall, on the basis of handicap, be subjected to discrimination in employment.

True False 4. Title VI prohibits discrimination on the basis of race, color, and national origin in programs that receive federal funds.

True False 5. With the Education Amendments of 1972, handicapped persons were afforded the same protection of civil rights as other citizens.

True False 6. Employees must file a complaint of discrimination with their employer before going to the Office for Civil Rights.

Objective 2: Participants will become familiar with the civil rights movement activities that occurred between 1954 and 1965.

Time: 20 minutes

Materials:

Handout 1. Civil Rights Movement 1954-1964

Focus participants' attention by saying "Lest We Forget -- the significant events from 1954-65 in the civil rights movement that have affected the cause of civil rights and the implementation of legislation to ensure these rights. We will review these events briefly."

(Distribute Handout 1)

Allow participants to scan the content. Proceed with open group discussion reviewing the events in each category: Protests; Politics; Legal work; Violence; and Independence.

Ask participants to share any thoughts, feelings, or questions they may have as the group proceeds through this content. Remind them that the struggle for civil rights began long before 1954 (as early as the 17th century), but that, for purposes of this review, we are focusing on the ten-year span between the Supreme Court's 1954 ruling that segregated schools were unconstitutional and Congress's approval of the 1965 Voting Rights Act.

Use Reading 1, Eyes on the Prize, to elaborate on the discussion during this period.

Allow time for questions and additional discussion as time permits.

Objective 3: Participants will become familiar with the legal intent of the Civil Rights Act.

Time: 30 minutes

Materials:

Transparencies:

3. Brown v. Board of Education (1954)
4. Title VI of the Civil Rights Act Provisions
5. Civil Rights Legislation

Lecturette:

Civil rights are among the most honored achievements of Western civilization. In the United States, at great human cost, an uphill battle has been waged and partially won in gaining civil rights for all people. In many instances, it would have been far more expedient to look the other way.

(Display Transparency 3)

It has been more than thirty years since the historic decision in Brown v. Board of Education. It is an appropriate time for us to reconsider from where we have come and where we are going. The Supreme Court decision against racial desegregation in May, 1954 was a landmark victory over some of the ugliest manifestations of prejudice in American history.

(Display Transparency 4)

It is also more than twenty years since the Civil Rights Act of 1964, which was a legislative landmark comparable to the judicial breakthrough occurring a decade earlier.

Because civil rights laws and civil rights concepts are generally applied, it becomes imperative that we examine our understanding of and compliance with the laws as written. The extent to which that understanding corresponds to reality is crucial to both the successes and the failures of the civil rights movement thus far and to its future prospects and pitfalls. Civil rights are fundamental to a free society and to human dignity. Like any fundamental human achievement, these rights cannot be taken for granted and must be safeguarded. Sincerity of purpose is not synonymous with honesty of procedure, which makes it all the more important that we stay attuned to the concept of civil rights, and knowledgeable of its legal and political doctrines.

Civil Rights Legislation

For purposes of this training session we will focus our attention on the civil rights laws dealing with issues involving race and handicapping conditions.

(Display Transparency 5)

The clarity of the intent of each piece of legislation is pertinent to us in our roles within the educational environment. The Civil Rights Act was a comprehensive piece of legislation which included provisions for mechanisms to reduce inequity, including inequities in education and schools.

Title VI of the Civil Rights Act -- 1964

Prohibits discrimination based on race, color, or national origin in programs or activities which receive federal financial assistance.

Section 504, Rehabilitation Act -- 1973

Protects the rights of handicapped persons. No otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Programmatic Regulations

To facilitate implementation and enforcement of the civil rights legislation by meeting special needs and providing program funding, the following programmatic legislation was authorized.

Emergency School Aid Act -- 1972

The Congress found that the process of eliminating or preventing minority group isolation and improving the quality of education for all children often involves the expenditure of additional funds to which local education agencies do not have access. The purpose of this title was to provide financial assistance--

(1) To meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;
(2) To encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students;
(3) To aid school children in overcoming the educational disadvantages of minority group isolation.

ESAA funding became a part of the Education Consolidation Act of 1982 under Chapter II of that legislation. Activities previously undertaken under ESAA virtually became nonexistent as states exercised local control options to use Chapter II monies for activities other than those supporting school desegregation. ESAA money and the accompanying activities became defunct in the mid-1980s.

Education for all Handicapped Children Act - 1975

This legislation was passed:

(1) To ensure that all handicapped children have available to them, within the time period specified in Section 612(2)(B), a free and appropriate public education which emphasizes special education and related services designed to meet their unique needs;

(2) To assure that the rights of handicapped children and their parents or guardians are protected:

(3) To assist states and localities to provide for the education of all handicapped children; and

(4) To assess and assure the effectiveness of efforts to educate handicapped children.

Title II of the Education Amendments -- 1976

This legislation provides funds for vocational education programs offering services to handicapped persons.

Sources:

U.S. Department of Education, Office for Civil Rights. Section 504 of the Rehabilitation Act of 1973: Handicapped Persons' Rights Under Federal Law. Washington, D.C.: U.S. Government Printing Office: 1980.

U.S. Department of Education. Office for Civil Rights. Education and Title VI of the Civil Rights Act of 1964. Washington, D.C.: U.S. Government Printing Office: n.d.

Hayden, Robert C. Eyes on the Prize: Viewers Guide. Boston: Blackside, Inc., 1987.

Allow time for discussion/questions.

Break: 15 minutes

Objective 4: Participants will become familiar with the procedural requirements for civil rights compliance.

Time: 40 minutes

Materials:

Transparency:

6. Title VI, Section 504 Procedural Requirements

Handouts:

2. Sample Policy Notification and Sample Nondiscrimination Statement
3. Sample Grievance Procedures
4. Self-Evaluation Checklist

Large group discussion:

- While participants remain in a large group, give the definition of procedural requirements -- "Procedural requirements are those actions described in the regulations which must be undertaken."

(Display Transparency 6)

The requirements of Title VI and Section 504 are shown on the transparency. Review the procedural requirements, using each section below.

ASSURANCES

The first procedural step requires that assurance forms be filed with the Department of Education and Office for Civil Rights. These assurance forms, required by Title VI and Section 504, as well as by Title IX of the Education Amendments of 1972, prohibiting discrimination on the basis of sex in federally funded programs, must be completed before an application for federal financial assistance can be approved. These forms are statements that the recipient signs assuring that it will comply with the regulations and that it is not discriminating on the basis of race, color, national origin, sex, or handicapping condition. By signing the forms, the recipient enters into a contract with the federal agency that it will operate in compliance with the regulations. A recipient need only file the three assurance forms once. The forms are kept on file and remain in force as long as the recipient continues to accept federal financial assistance. Most school districts and educational institutions have signed these forms, since they must be on file before federal assistance can be approved. If a recipient wants to know if the forms have been filed, the regional Office for Civil Rights can be contacted.

Since the assurance forms obligate the recipient to comply with the regulations, it is important to mention a related requirement. Recipients are prohibited from subcontracting with another entity which discriminates against protected class members. The recipient also must assure that it does not

engage in discriminatory practices indirectly by hiring another to do what it could do directly.

NOTICE REQUIREMENTS

(Distribute Handout 2)

The second procedural step is known as the notice requirement. Title VI and Section 504 both require that a notice be provided informing interested persons that the district or institution does not discriminate. There are basically two types of notices. One is referred to as a policy notification. This notification states the district's policy of nondiscrimination, and gives the name, address, and telephone number of the Title IX and Section 504 coordinator(s) who can be contacted for information concerning the policy or its implementation. This notification should be made at the beginning of each school year to students, parents, employees, and the general public. The notification should be published in local newspapers, which is usually the best way to notify the general public. If your service area contains a community of national origin minority persons with limited English language skills, the notice also must be provided in the community's primary language.

The second type of notice usually is referred to as a nondiscrimination statement. This is a shorter version of the policy notification, and it is to be included on course announcements, bulletins, catalogs, application forms, enrollment forms, brochures, and recruitment or promotional materials. This does not mean that you have to have a nondiscrimination statement on every piece of paper or item of correspondence that leaves your office. A good rule of thumb is to include it on all informational materials that are given to all students, applicants, and employees, particularly those publications that describe offerings, benefits, or services available. Remember to include it on materials or forms that are used for recruiting or hiring employees.

Although the notice requirements in Title VI and Section 504 are very similar, there are some differences regarding what is to be included in the notice and to whom the notice is to be given. The sample copy of the policy notification has been designed to cover all requirements. Also, since the notice requirement is a continuing one, rather than issuing a notice each year for each regulation, one notice usually is prepared which addresses or covers each regulation, as illustrated in the sample copy.

DESIGNATION OF COORDINATOR

The third procedural step required under both Title IX and Section 504 is the designation of an employee who will coordinate compliance activities. Title IX requires all recipients to designate a coordinator, and Section 504 requires recipients who employ 15 or more persons to designate a coordinator. One person may be designated as both the Title IX and the Section 504 coordinator, or an individual may be designated for each position.

Title IX regulations require the coordinator to investigate Title IX complaints; although Section 504 does not require the coordinator to investigate 504 complaints, in most cases this person usually performs this function. In many school districts, the same individual serves as both the Title IX and Section 504 coordinator; therefore, the management of these activities will be simplified if the functions of the Title IX and 504 coordinators are as similar as possible.

In order to perform these activities, the coordinator(s) should be knowledgeable of the regulations and should be able to provide information to others, including staff and students; respond to inquiries; and process any complaints received. Compliance is an ongoing obligation, which means that someone should be responsible for monitoring activities, reporting problems, and making recommendations when appropriate.

In addition, you probably have noticed that Title VI does not require that a coordinator be designated. Even though a coordinator is not required, it is suggested that whoever is responsible for compliance activities (Title IX or 504 coordinator) also be knowledgeable of Title VI regulations and requirements. You could very well receive a complaint alleging race discrimination. If race is addressed in your grievance procedures, your compliance person should be knowledgeable of these requirements also.

GRIEVANCE PROCEDURES

The fourth procedural step required under the Title IX and Section 504 regulations is the adoption of grievance procedures. The grievance procedures are designed to encourage school districts and institutions to resolve problems themselves, rather than to resort to the formal Office for Civil Rights complaint procedure. It is important to note that a student or employee may, if he or she chooses, bypass the school district's grievance mechanism and file a complaint with the appropriate regional Office for Civil Rights.

Grievance models will vary, depending on the size, administrative structure, and contractual arrangements of a given school district. The important requirement for grievance procedures is that they be workable within your setting. You do need to have grievance procedures for both students and employees; you may use the same procedures or have separate procedures for each.

There is no specific format or content for grievance procedures, but they should provide for prompt and equitable resolution of complaints. It is suggested that the following be considered in developing procedures:

* Definition of Terms

For purposes of clarity, it is suggested that you define terms used in your procedures. For example, if your procedure states that a decision will be made

within 10 days of a hearing, does "day" imply school days? Does it include weekends or holidays? Defining terms will resolve such questions.

(Distribute Handout 3)

Allow participants to review Section I, "Definitions", and entertain questions from the group.

You will notice in the sample grievance procedure provided that race, color, and national origin are addressed in the definition of a discrimination complaint. Although Title VI does not require grievance procedures, it is in the district's best interest to address complaints involving race, color, and national origin, as well as those involving sex and handicapping conditions, in order to provide a means for resolving these complaints locally. Otherwise, the only alternative is to take these complaints directly to the Office for Civil Rights.

* Processing the Grievance

The procedure for processing the grievance or complaint must be specified well enough so that each person is aware of her or his responsibility and knows what to do and when to do it. Time limits should be specified for each step or level of processing. If procedures are too vague, processing may become stalled or difficult to execute properly. If this occurs, other problems may be created in addition to resolving the original issue. Determine the number and level of steps for decision-making. A common approach includes three levels of appeal. Each level indicates the person or persons responsible for making a decision or determination regarding the complaint or grievance. The most important condition is to determine what system will work effectively and fairly in your setting. After all, it is too late to change procedures once processing has begun.

* Other Considerations

- How will the hearing be conducted?
- Right of parties to representation.
- Right to present witnesses and evidence.
- Confidentiality of proceedings and records.
- Access to regulations and records.
- Protection of grievants from harassment and retaliation.

The sample grievance procedures distributed are provided for illustration purposes. These procedures have three levels of appeal, and were designed for use with employees and students.

SELF-EVALUATION

The fifth, and probably the most important, procedural step is the Title IX and Section 504 self-evaluations. The self-evaluations are conducted to determine whether policies or practices discriminate against persons because of their sex or handicap. For example, a self-evaluation may reveal that course descriptions are sex-biased. The corrective action required would be to rewrite the description and reprint the catalog.

The differences in the self-evaluation requirements between Title IX and Section 504 are not significant; the major difference is that under Section 504 the self-evaluation process must be conducted in consultation with handicapped persons or organizations representing handicapped persons. This is an important factor which many overlook, and one which has proven to be very beneficial. For example, if a handicapped person assists in the evaluation of facilities and a problem is identified, this person often can make recommendations for correcting the problem that are more practical and cost-effective than those that many professionals would recommend.

Numerous materials have been prepared on conducting Title IX and Section 504 self-evaluations. A sample evaluation instrument (Handout 4) will provide you with information on policies and practices not only as they relate to sex and handicapping conditions, but also as they affect race, color, and national origin.

(Distribute Handout 4)

Although Title VI regulations do not require a self-evaluation, you are still responsible for ensuring that discrimination does not occur on the basis of race, color, or national origin. The only way to ensure this is to evaluate operations and practices. The evaluation instrument just distributed will help you to evaluate your compliance status in all areas, and hopefully will provide you with the kinds of information from which decisions and actions can be made locally. It is much easier to address a policy or practice before it is challenged than after a complaint is filed. Also, the burden of proof is always on the district or institution to show that practices are not discriminatory. Unless a school district has examined areas of operation and has some documentation to support findings and conclusions, it is difficult to defend a challenge or complaint.

If your district has conducted a Title IX and Section 504 self-evaluation, you may want only to address those areas and questions regarding race, color, and national origin. On the other hand, this evaluation will provide up-to-date information to support your continuing obligation. And remember, what actually takes place in a particular institution is more important than the neatly typed report on file. A concerned parent will react to a practice, not a report.

An easy step-by-step plan for conducting the compliance evaluation has been provided. Although vocational programs and services are the primary focus of this model, most major areas affecting equal opportunity are

addressed. This model can be expanded easily to include other specialized areas, such as athletics. It is suggested that you contact your State Department of Education for information regarding athletics or other areas that are not addressed.

Bring closure to this objective by asking participants to:

1. Identify areas that need to be addressed in their schools/school districts.
2. Discuss possible solutions in these areas.

This activity may be done in large or small groups. Consider dividing the participants by schools or school districts. (Note: if time does not allow for completion, suggest that participants complete the self-evaluations after training.)

Sources:

U.S. Department of Education, Office for Civil Rights. Title VI, Civil Rights Act of 1964, Federal Register, May, 9, 1980. Washington, D.C.: U.S. Government Printing Office: 1980.

U.S. Department of Education, Office for Civil Rights. Title IX, Education Amendments of 1972, Federal Register, May 9, 1980. Washingon D.C.: U.S. Government Printing Office: 1980.

U.S. Department of Education, Office for Civil Rights. Section 504, Rehabilitation Act of 1973, Federal Register, May 9, 1980. Washington, D.C.: U.S. Government Printing Office: 1980.

U.S. Department of Education, Office for Civil Rights. Equal Education Opportunities Act of 1974. Washington, D.C.: U.S. Government Printing Office: 1974.

Objective 5: Participants will become familiar with the employment requirements and practices of the civil rights legislation.

Time: 35 minutes

Materials:

Transparency:
7. Summary of Key Federal Legislation

Handouts:
5. Identifying Discrimination in the Selection Process
Case Study 1
Case Study 2
Case Study 3

Lecturette:

Federal legislation and litigation, as well as administrative policy decisions, have clearly established the requirements pertaining to employment practices for educational agencies and institutions that have programs or activities receiving federal financial assistance. It is important to note that state or local laws that conflict with the employment provisions of these regulations cannot be used as an excuse for noncompliance. Among the educational recipients of federal funds are 16,000 local education agencies, 3,200 colleges and universities, and 50 state education agencies. The employment requirements of the civil rights legislation are outlined as follows.

(Display Transparency 7)

<u>Nondiscrimination in Employment Under Title VI</u>

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in employment practices in programs or activities receiving federal financial assistance, where the primary purpose of the assistance is employment or where the discriminatory practice has an impact on program beneficiaries, usually students.

<u>Nondiscrimination in Employment Under Title VII</u>

The Civil Rights Act of 1964 also contains Title VII, which deals more comprehensively with employment. Title VII is administered by the Equal Employment Opportunity Commission (EEOC) and covers only employment discrimination. It includes every kind of employer, not just federal financial assistance recipients. Title VII coverage applies to employers of 15 employees or more, and includes discrimination on the basis of religion or sex. To summarize, Title VII prohibits discrimination on the basis of race, color, religion, sex, or national origin in employment.

Nondiscrimination in Employment Under Section 504 of the Rehabilitation Act of 1973

Section 504 prohibits discrimination against qualified handicapped persons in all employment-related decisions and actions in federally assisted programs. A qualified handicapped person is one who, with reasonable accommodation, can perform the essential functions of the job. The prohibitions on discrimination in employment include, but are not limited to, recruitment, hiring, promotion, award of tenure, layoff and rehiring, rates of pay, fringe benefits, leave, job assignment, training, and participation in employer-sponsored activities. Other selected requirements of the regulation pertaining to employment tests, pre-employment inquiries and medical examinations, and alcoholism and drug addiction are contained in the regulations and summary brochures.

Allow a brief period for questions and clarification from the participants.

Divide the large group into three small groups. Distribute one case study, Handout 5, to each group. Allow the participants to review and respond within each group, with an identified person recording the groups' agreed-upon response. Solicit responses from each group on each case study.

Bring closure to this activity by asking participants if they:

1. Understand, at least basically the ramifications of the law?
2. Have any other questions or concerns?

Post-test: (optional)

Time: 5 minutes

Administer the post-test. Review the answers, comparing them with pre-test answers, and provide correct responses.

Allow the participants to express any concerns and clarify any misconceptions related to their responses.

Closure:

Time: 5 minutes

Materials:

Transparency 8. Review

(Display Transparency 8)

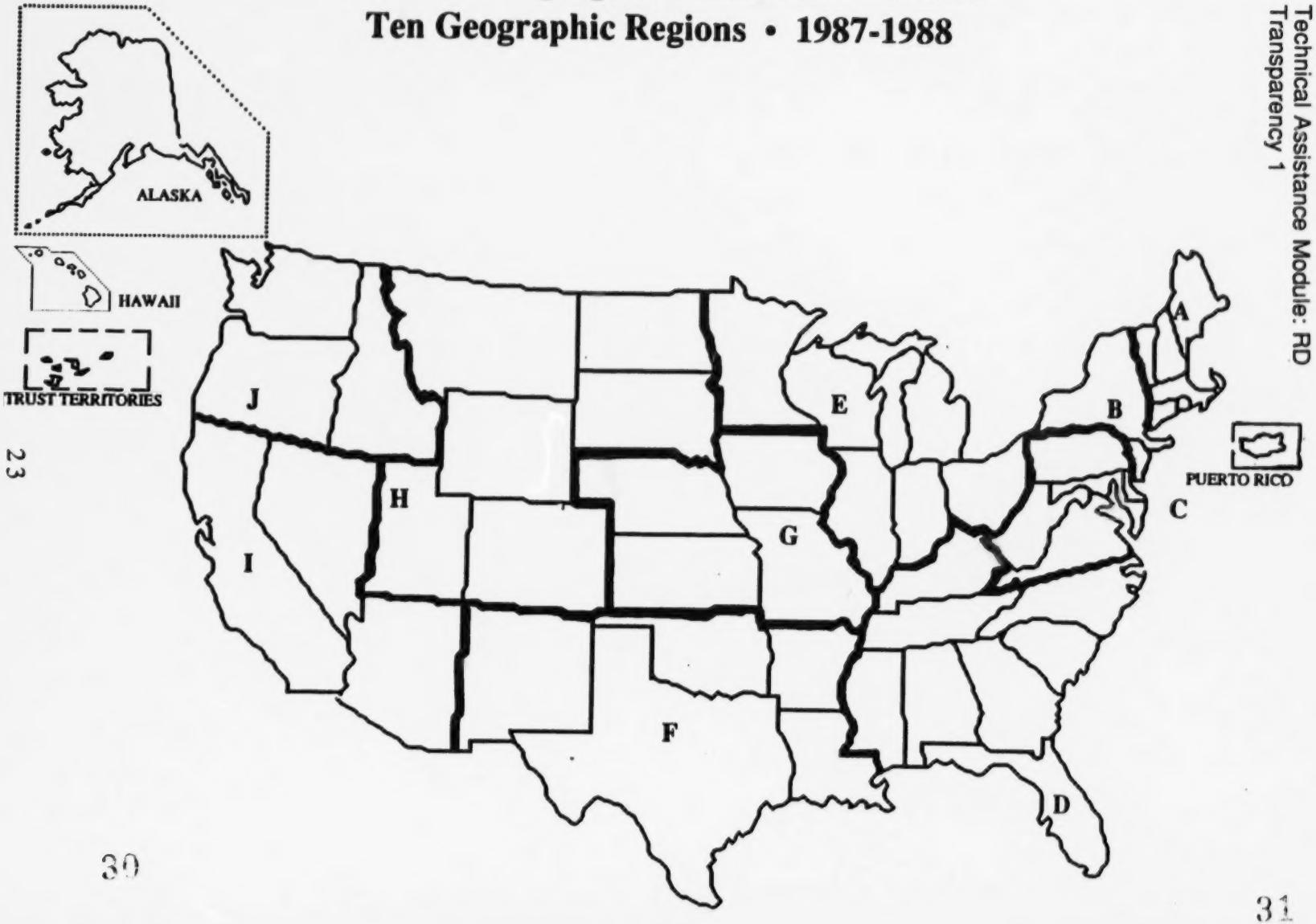
Use Transparency 8 to summarize the basic information presented in this session.

Evaluation:

Time: 5 minutes

Distribute the evaluation forms and have the participants complete them.

Title IV Desegregation Assistance Centers
Ten Geographic Regions • 1987-1988



Technical Assistance Module: RD
Transparency 1

Race Desegregation

"Race desegregation" means the assignment of students to public schools and within those schools without regard to their race, including providing students with a full opportunity for participating in all educational programs. "Race desegregation" does not mean the assignment of students to public schools to correct conditions of racial separation that are not the result of state or local law or official action.

Brown v. Board of Education (1954):

1) **Struck down the "separate but equal" doctrine.**

2) **Declared the separation of Black and White students unconstitutional.**

3) **Ordered desegregation of schools with "all deliberate speed."**

Brown v. Board of Education (1954):

established the first reference to education as a "...right which must be made available to all on equal terms."

This is in keeping with the 14th Amendment, which guarantees every citizen the full range of rights of citizenship.

Title VI of the Civil Rights Act of 1964:

provided that..."no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity receiving federal financial assistance."

CIVIL RIGHTS LEGISLATION

	NONDISCRIMINATION REGS. • Provide for Equal Treatment • Prevent Exclusion	PROGRAMMATIC REGS. • Meet Special Needs • Provides Program Funds
RACE	TITLE VI OF CIVIL RIGHTS ACT OF 1964 Makes it illegal to discriminate on the basis of race, color, or national origin in programs receiving Federal financial assistance	EMERGENCY SCHOOL AID OF 1972, Title VI of the Elementary and Secondary School Act Provides monetary incentives to school districts which are voluntarily reducing minority group segregation
HANDICAPPING CONDITIONS	SECTION 504, REHABILITATION ACT OF 1973 Makes it illegal to discriminate on the basis of disabling conditions in programs and activities receiving Federal financial assistance	EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975 Provides funds for special education programs to handicapped children and youth TITLE II OF THE EDUCATION AMENDMENTS OF 1976 Provides funds for vocational education programs servicing handicapped persons

Draft developed by Sheryl Denbo,
Denbo Associates, Washington, D.C.n.d.

TITLE VI AND SECTION 504 PROCEDURAL REQUIREMENTS

	Title VI	Section 504
1. File Assurances	X	X
2. Notify Beneficiaries of Nondiscrimination Policy	X	X
3. Designate Employee to Coordinate Activities		X
4. Develop & Disseminate Grievance Procedures		X
5. Conduct Self Evaluations		X

SUMMARY OF KEY FEDERAL LEGISLATION RELATING TO EQUAL OPPORTUNITY IN EDUCATION

Legislation:	Prohibits:	Applies to:
Title VI, Civil Rights Act (1964)	Discrimination on basis of race, color, or national origin	Student program
Title VII, Civil Rights Act (1964), as amended by the Equal Employment Opportunity Act (1972)	Discrimination on basis of race, color, national origin, or sex	Employment
Section 504 Rehabilitation Act of 1973	Discrimination on the basis of handicap	Employment and student program

REVIEW

- Title VI of the Civil Rights Act:

  - prohibits discrimination in federal programs on the basis of race, color and national origin
  - requires written assurances of non-discrimination in these areas
  - requires the Office for Civil Rights to monitor for compliance

- Section 504:

  - prohibits discrimination in federal programs on the basis of disabling conditions
  - must have a coordinator to oversee monitor compliance
  - requires programs to be evaluated for compliance
  - requires OCR to monitor recipients for compliance

Technical Assistance Module: RD
Handout 1

CIVIL RIGHTS MOVEMENT

	1954	1955	1956	1957	1958	1959
Activity	First White Citizens Council meeting July 11, 1954 Mississippi	Montgomery Bus Boycott December 5, 1955.....	December 21, 1956 Tallahassee Bus Boycott May 27, 1956.....	SCLC founded founded January 10-11, 1957 Prayer Pilgrammage May 17, 1957 Little Rock Central High School August 1957.....	March 1958	Prince Edward County abandons its school system June 26, 1959 May 1959
Politics			Election year Eisenhower reelected with Nixon			
Legal Work		Brown I May 17, 1954	Brown II May 31, 1955 ICC bans segregation on interstate travel November 25, 1955	Autherine Lucy admitted to University of Alabama February 3, 1956 Southern Manifesto presented March 12, 1955 Alabama outlaws NAACP June 1, 1956 Supreme Court rules on bus desegregation November 13, 1956	First Civil Rights bill since 1875 passed August 29, 1957	Cooper vs. Aaron September 29, 1958
Violence		Emmet Till killed August 28, 1955	Home of Martin Luther King, Jr., bombed January 30, 1956 Shuttlesworth home bombed December 25, 1956		Martin Luther King, Jr., stabbed in Harlem September 20, 1958	
African and Caribbean Independence			Sudan- January 1, 1956	Ghana- March 6, 1957		

Source:

Blackside, Inc., Eyes on the Prize, 1987.

CIVIL RIGHTS MOVEMENT

	1960	1961	1962	1963	1964	1965
Activity	Greensboro sit-in February 1, 1960 Sit-ins and Boycotts all over the south and in some northern cities SNCC founded April 17, 1960	Civil Rights organizations meet with Robert Kennedy, re: voting June 16, 1961 Freedom Rides Summer 1961 Albany Movement November 1961.....	JFK federalizes federalizes Mississippi troops: Ole Miss September 29, 1962 August 1962	Birmingham April-May 1963 Wallace schoolhouse stand June 11, 1963 March on Washington August 28, 1963 Birmingham bombing September 15, 1963	St. Augustine March-June 1964 Founding of MFDP April 26, 1964 Mississippi Freedom Summer and Atlantic City convention, August 1964 Martin Luther King, Jr., awarded Nobel Prize December 10, 1964	King meets with with LBJ February 9, 1965 Selma-to-Montgomery March 21-25, 1965
Politics	Kennedy elected with Johnson				Johnson elected with Humphrey	
Legal Work	Civil Rights Act signed May 6, 1960	Federal Court order Hunter and Homes to be be admitted to University of Georgia January 6, 1961 Riot: January 11, 1961 ICC desegregation ruling September 22, 1961		Centennial of Emancipation Proclamation January 1, 1963	24th Amendment eliminates polling tax on Federal elections January 23, 1964 Supreme Court ruling on Prince Edward County May 25, 1964 Johnson signs Civil Rights Bill July 2, 1964	Voting Rights Act signed August 6, 1965
Violence			Los Angeles Riot April 27, 1962 Ole Miss Riot October 2, 1962	Medgar Evers killed June 12, 1963 JFK killed November 22, 1963	Riots: New York, New Jersey Chicago and Philadelphia Goodman, Schwerner, Chaney killed June 21, 1964	Malcolm X killed February 21, 1965 Reeb dies March 11, 1965 Watts Riots August 11-16, 1965
African and Caribbean Independence	Zaire - June 30, 1960 Somali - July 1, 1960	Sierra Leone - April 27, 1961 Tanzania - December 9,	Jamaica - August 6, 1962 Trinidad/ Tobago - August 31, 1962 Uganda - October 9, 1962	Kenya - December 12,	Malawi - July 6, 1964 Zanbia - October 24, 1964	

--Sample--

POLICY NOTIFICATION

It is the policy of the ___(school district name)_____ to provide equal opportunities without regard to race, color, national origin, sex, age, handicapping condition, or veteran status in its educational programs and activities. This includes, but is not limited to, admissions, educational services, financial aid, and employment. Inquiries concerning application of this policy may be referred to___(name of person)_____Coordinator of Title IX & Section 504 responsibilities.

_____ School/District

_____ Street Address

_____ Telephone

_____ Town/Zip Code

Include on a Continuous Basis in All:

Course announcements
Bulletins (disseminated to all students)
Catalogs
Brochures
Application or enrollment forms
Materials used for recruiting or describing programs and training

Suggestions for Policy Notification

Disseminate policy notification prior to the beginning of each school year to:
- Students
- Parents
- Employees
- General Public

Publish policy notification prior to the beginning of each school year in local newspapers

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--Sample--

NONDISCRIMINATION STATEMENT

The _____school/center name_____ does not discriminate on the basis of race, color, national origin, sex, age, handicapping condition, or veteran status.

-- SAMPLE --

GRIEVANCE PROCEDURES FOR FILING, PROCESSING, AND RESOLVING ALLEGED DISCRIMINATION COMPLAINTS (STUDENTS AND EMPLOYEES)

I. Definitions

A. Discrimination Complaint: A written complaint alleging any policy procedure or practice which discriminates on the basis of race, color, national origin, sex, or handicapping condition.

B. Student Grievant: A student of the (school district) who submits a complaint alleging discrimination based on race, color, national origin,
sex, or handicapping condition.

C. Employee Grievant: An employee of the (school district) who submits a complaint alleging discrimination based on race, color, national origin, religion, sex, age, handicapping condition or veteran status.

D. Title IX and 504 Coordinator: The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the
Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and other state and federal laws addressing equal educational opportunity. The Title IX/504 coordinator is responsible for
processing complaints and serves as moderator and recorder during hearings.

E. Respondent: The person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

F. Day: Day means a working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays, and holidays.

II. Pre-Filing Procedures

A. Prior to the filing of a written complaint, the student or employee is encouraged to visit with (name of person) and a reasonable effort should be made to resolve the problem or complaint.

III. Filing and Processing Discrimination Complaints

A. Grievant	Submits written complaint to Title IX/504 coordinator stating name, nature, and date of alleged violation; names of persons responsible (where known); and requested action. Complaint must be submitted within 30 days of alleged violation. Complaint forms are available in (school office or other designated area).
B. Title IX/504 Coordinator	Notifies respondent within 10 days and asks respondent to: 1. Confirm or deny facts; 2. Indicate acceptance or rejection of student's or employee's requested action; or 3. Outline alternatives.
C. Respondent	Submits answer within 10 days to Title IX/ 504 coordinator.
D. Title IX/504 Coordinator	Within 10 days after receiving respondent's answer, refers the written complaint and respondent's answer to the (principal or other designee). The Title IX/504 coordinator also schedules a hearing with the grievant, the respondent, and the (principal or other designee).
E. Principal, Grievant, Respondent, and Title IX/ 504 Coordinator	Hearing is conducted.
F. Principal	Within 10 days after the hearing, issues a written decision to the student or employee, respondent, and Title IX/504 coordinator.
G. Grievant or Respondent	If the grievant or respohdent is not satisfied with the principal's decision, they must notify the Title IX/504 coordinator within 10 days and request a hearing with the superintendent.

H. Title IX/504 Coordinator	Within 10 days of request, schedules a hearing with the grievant, respondent, and superintendent.
I. Superintendent, Grievant, Respondent, and Title IX/504 Coordinator	Hearing is conducted.
J. Superintendent	Issues a decision within 10 days following the hearing.
K. Grievant	If the grievant or respondent is not satisfied with the superintendent's decision, he/she must notify the Title IX/504 coordinator within 10 days and request a hearing with the governing board.
L. Title IX/504 Coordinator	Notifies governing board within 10 days after receiving request. Title IX/504 coordinator schedules hearing with the governing board. Hearing is to be conducted within 30 days from the date of notification to the governing board.
M. Governing Board or Hearing Panel established by the board, Grievant and Title IX/504 Coordinator.	Hearing is conducted.
N. Governing Board	Issues a final written decision within 10 days after the hearing regarding the validity of the grievance and any action to be taken.

IV. General Provisions

A. Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date that the complaint is filed until the complaint is resolved shall be no more than 80.

B. Access to Regulations: The (school district) shall provide copies of all regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, handicapping condition, or veteran status upon request.

C. Confidentiality of Records: Complaint records will remain confidential unless permission is given by the parties involved to release such information. No complaint record shall be entered in the personnel file. Complaint records shall be maintained on file for three years after complaint resolution.

SELF-EVALUATION CHECKLIST

A. Procedural Requirements

	Yes	No
1. Has your district/school/center filed the appropriate* assurance forms with the Office for Civil Rights of the Department of Education that its programs and activities are operated in compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973?	___	___
* Title VI, Form #441 - Title IX, Form #639 - Section 504, Form #641		
2. Prior to the beginning of each school year, does your district/school/center advise students, parents, employees, and the general public that all vocational opportunities will be offered without regard to race, color, national origin, sex, or handicap?	___	___
a) Is this notice available to persons with limited English language skills in the community's own language?	___	___
b) Is this notice available to persons who are visually or hearing impaired?	___	___
3. Does your district/school/center comply with the following notice requirements?		
a) Title VI - Notice must be given to participants, beneficiaries, and other interested persons of the recipient's policy of nondiscrimination on the basis of race, color, or national origin and the provisions of Title VI as they apply to the recipient's program in the manner prescribed by DOE.	___	___
b) Title IX - Notice must be given to applicants for admission and employment, elementary and secondary school students and their parents, employees, sources of referrals for applicants, and union and professional organizations holding collective bargaining or professional agreements with the recipient. The notice must contain a statement of the recipient's policy of nondiscrimination on the basis of sex, the provisions of Title IX as they apply to the recipient's program, and the name of the Title IX coordinator. The notice of the policy of nondiscrimination must appear in bulletins, catalogs, application forms and other recruitment materials for both students and employees.	___	___
c) Section 504 - Recipients who employ 15 or more persons must give notice to participants, beneficiaries, applicants, employees, unions or professional organizations holding collective bargaining or professional agreements with the recipient. The notice must contain a statement of the recipient's policy of nondiscrimination on the basis of handicap. The notice of nondiscrimination must appear in recruitment materials, publications, and other information made available to the categories of persons who must receive notice.	___	___
Recipients who operate elementary and secondary education programs must annually (1) undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiv-		

	Yes	No

ing a public education, and (2) take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under (1).

4. Coordinators

   a) Title IX - Has your district/school/center designated an employee(s) to coordinate the recipient's compliance activities and to investigate complaints alleging noncompliance with the provisions of Title IX? ___ ___

   b) Section 504 - If your district/school/center employs more than 15 persons, have you designated at least one person to coordinate its Section 504 activities? ___ ___

5. Grievance Procedures

   a) Title IX - Has your district/school/center adopted a grievance procedure for the prompt and equitable resolution of complaints of discrimination by students and employees (where the object of federal financial assistance is specifically for employment, or where employment practices affect beneficiaries)? ___ ___

   b) Section 504 - If your district/school/center employs 15 or more persons, have you adopted a due process grievance procedure for the resolution of complaints by students and employees? ___ ___

6. Self-Evaluation

   a) Title IX - Has your district/school/center conducted a self-evaluation of your policies and practices to determine whether they discriminate on the basis of sex? ___ ___

   b) Section 504 - If your district/school/center employs 15 or more persons, have you conducted a self-evaluation of your policies and practices in consultation with handicapped persons or organizations representing handicapped persons to determine whether they discriminate on the basis of handicap? ___ ___

7. Transition Plan

   a) Section 504 - If your district/school/center employs 15 or more persons and if structural changes are necessary to assure that handicapped students have access to all your program offerings, then have you developed a transition plan in consultation with handicapped persons or organizations representing handicapped persons which:

      1) identifies the physical obstacles;
      2) describes how the facilities will be made accessible;
      3) specifies the schedule for the changes;
      4) indicates a person responsible for the implementation of the plan. ___ ___

B. Access and Admission to Vocational Education Programs

	Yes	No
1. Are vocational education facilities segregated or established for students of one race, color, or national origin, or of any handicapping condition?	___	___
2. Does the site location of vocational education facilities result in the denial of access to persons on the basis of race, color, national origin, or handicap?	___	___
3. Have geographic boundaries been established, approved, or maintained which unlawfully exclude students on the basis of race, color, national origin, sex, or handicap?	___	___
4. Has the physical plant been added to, modified,or renovated in a manner that maintains or increases students' segregation on the basis of race, color, national origin, sex, or handicap?	___	___
5. Are handicapped students denied access to vocational education programs because of architectural barriers?	___	___
6. Are admission policies and practices nondiscriminatory?	___	___
7. Are pre-admission inquiries made regarding handicap or marital status?	___	___
8. Are numerical limits placed on the number of persons admitted based on race, color, national origin, sex, or handicap?	___	___
9. Do the criteria for courses and program admission have a disproportionate adverse effect on persons of a particular race, color, national origin, sex, or handicap?	___	___
10. Are students with limited English language skills excluded from any program offerings?	___	___
11. Are there any architectural or equipment barriers that would deny access to vocational education programs to handicapped students?	___	___
12. Are students denied access to vocational education courses on the grounds that because of their race, color, national origin, sex, or handicap, employment opportunities may be more limited for them?	___	___
13. Do the recruitment materials reflect the school/district/center's policy of nondiscrimination on the basis of race, color, national origin, sex, or handicap?	___	___
14. Are recruitment materials available to persons with limited English speaking skills in their own language?	___	___

C. Counseling

	Yes	No
1. Are counseling materials and activities free from discrimination on the basis of race, color, national origin, sex, or handicap?	___	___
2. Are student program selections, career and employment selections, and promotion and recruitment efforts free from discrimination on the basis of race, color, national origin, sex, or handicap?	___	___
3. Are counseling practices free from luring students to enroll in programs based on their race, color, national origin, sex, or handicap?	___	___
4. Are different testing or other materials for appraising or counseling students used on the basis of a student's race, color, national origin, sex or handicap?	___	___
5. Are counselors communicating effectively with students of limited English-speaking proficiency and with students who are hearing impaired?	___	___
6. Are promotional materials available to communities with limited English language skills, in the language of that community?	___	___
7. Are promotional materials available to the visually impaired?	___	___

D. Equal Opportunity

1. Is student financial assistance awarded free from discrimination on the basis of race, color, national origin, sex, or handicap?	___	___
2. Are financial assistance materials free from discriminatory language or symbols?	___	___
3. Are financial assistance materials available to persons with limited English language skills in their own language?	___	___
4. Are financial assistance materials available to applicants with visual impairments?	___	___
5. Are housing opportunities available without discrimination on the basis of race, color, national origin, sex, or handicap?	___	___
6. Are auxiliary aids provided to handicapped students to enable them to participate equally in the vocational program?	___	___
7. Are secondary level handicapped students placed in regular education environments to the maximum extent appropriate to the needs of the student?	___	___
8. Are proper evaluation and due process procedures followed before a handicapped student is provided special education or related services?	___	___
9. Are facilities for students of one sex comparable to those offered to students of the other sex?	___	___

	Yes	No
E. Work Study, Cooperative Education, Job Placement and Apprenticeship		
1. Are work study, cooperative education, job placement and apprenticeship training opportunities available to all students without regard to race, color, national origin, sex, or handicap?	___	___
2. Does your district /school/center honor employers' requests for students who are free of handicaps, or for students of a particular race, color, national origin, or sex?	___	___
3. Does your district/school/center have written assurances from labor unions, businesses and industrial plants, and other employers to whom it refers or assigns students that they do not discriminate on the basis of race, color, national origin, sex, or handicap?	___	___
4. Does your district/school/center refer or assign students with employers or unions who discriminate on the basis of race, color, national origin, sex, or handicap?	___	___
F. Employment		
1. Are all of your district/school/center's employment practices free from discrimination against employees or applicants for employment on the basis of sex or handicap?	___	___
2. Does your district/school/center engage in any employment practice that discriminates on the basis of race, color, or national origin, where such discrimination tends to result in segregation, exclusion, or other discrimination against students?	___	___
3. Are all recruitment sources notified of the district/school/center's policy of nondiscrimination in employment on the basis of race, color, national origin, sex, or handicap?	___	___
4. Are all persons treated equally with respect to:		
a) processing applications for employment;	___	___
b) hiring, upgrading, promotion, tenure, demotion, transfer, lay-off, termination, right of returning from lay-off, and rehiring;	___	___
c) rates of pay or any other form of compensation;	___	___
d) job assignments, job classifications, organizational structures, position description, lines of progression, and seniority lists;	___	___
e) leave of absence, sick leave, or any other leave;	___	___
f) fringe benefits;	___	___
g) selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leave of absence to pursue training;	___	___
h) employer-sponsored activities?	___	___
5. Are reasonable accommodations made to the known physical or mental limitations of an otherwise qualified applicant or employee except where it imposes an undue hardship?	___	___

	Yes	No
6. Do employment tests or other selection criteria disproportionately exclude a particular class of persons on the basis of race, color, national origin, sex, or handicap?	___	___
7. Are pre-employment inquiries made concerning the marital status or handicapping condition of an applicant?	___	___
8. Does your district/school/center participate in contractual or other relationships that have the effect of subjecting applicants or employees to discrimination (such as referral agencies)?	___	___

TECHNICAL ASSISTANCE KEY TO CHECKLIST

A. Procedural Requirements	Yes	No
1.	X	
2. a.	X	
b.	X	
3. a.	X	
b.	X	
c.	X	
4. a.	X	
b.	X	
5. a.	X	
b.	X	
6. a.	X	
b.	X	
7. a.	X	

B. Access and Admission to Vocational Education Programs	Yes	No
1.		X
2.		X
3.		X
4.		X
5.		X
6.	X	
7.		X
8.		X
9.		X
10.		X
11.		X
12.		X
13.		X
14.	X	

C. Counseling	Yes	No
1.	X	
2.	X	
3.	X	
4.		X
5.	X	
6.	X	
7.	X	

D. Equal Opportunity	Yes	No
1.	X	
2.	X	
3.	X	
4.	X	
5.	X	
6.	X	
7.	X	
8.	X	
9.	X	

E. Work Study, Cooperative Education, Job Placement and Apprenticeship	Yes	No
1.	X	
2.		X
3.	X	
4.		X

F. Employment	Yes	No
1.	X	
2.		X
3.		X
4. a.	X	
b.	X	
c.	X	
d.	X	
e.	X	
f.	X	
g.	X	
h.	X	
5.		X
6.		X
7.		X
8.		X

If your answers differ from those on the key, then you should contact the technical assistance unit that can provide the type of assistance that will help you identify whether you have a possible civil rights problem, and how to resolve the issue(s).

IDENTIFYING DISCRIMINATION IN THE SELECTION PROCESS

CASE STUDY 1

Please read the example below to determine possible areas of discrimination or violation of federal legislation. Indicate the specific legislation that you believe to be relevant to this example in the space provided.

Ms. Chin, a counselor in one of District X's secondary schools, has been employed by the district for the past eight years. As a classroom teacher, she has compiled an outstanding performance record. She completed a master's degree in the field of counseling, and consistently has received outstanding ratings for her job performance as a counselor. Recently, she completed a second master's degree, this one in the field of school administration, and she has obtained the state credential for an administrative position. Although Ms. Chin is in a wheelchair, it never has been an impediment to the performance of her duties.

This year Ms. Chin applied for the position of assistant principal at East High School. A black female guidance counselor and a white male physical education teacher also applied for the position. Neither of them had been employed by the district for more than three years, and neither had completed the requirements for the administrative credential. The physical education teacher was selected for the job. When Ms. Chin asked for an explanation of the reason for the selection, the personnel office refused to provide either a written or an oral explanation.

1. What law applies in this case?

2. Describe how the law has been violated.

3. What should the district have done? Why?

IDENTIFYING DISCRIMINATION IN THE SELECTION PROCESS

CASE STUDY 2

Please read the example below to determine possible areas of discrimination or violation of federal legislation. Indicate the specific legislation that you believe to be relevant to this example in the space provided.

Mr. Garcia, a Hispanic male, received his B.A. in special education from the State University last June. He completed his student teaching in District Y and received an outstanding evaluation and recommendation. As a result of his interest in the community, he applied for the special education position at Elmwood Elementary School. A white female who had just completed a B.A. degree was hired for the position; this person had no prior teaching experience and no credential in special education.

1. What law applies in this case?

2. Describe how the law has been violated.

3. What should the district have done? Why?

IDENTIFYING DISCRIMINATION IN THE SELECTION PROCESS

CASE STUDY 3

Please read the example below to determine possible areas of discrimination or violation of federal legislation. Indicate the specific legislation that you believe to be relevant to this example in the space provided.

Ms. Martin, an experienced certified teacher in bilingual education with an outstanding record of performance, has recently moved to District Z. She is interested in obtaining a position teaching at a local elementary school. She obtained an interview with a member of the staff of the district's personnel office and explained her interest in securing a position in that area. The interviewer reviewed her record and recommendations and commented on them favorably. He indicated, however, that he was sorry that it would not be possible to offer her a position teaching a bilingual education class at this time. He told Ms. Martin, who is black, that the school district was interested in employing persons who would serve as role models for young Hispanic children in bilingual education classes.

1. What law applies in this case?

2. Describe how the law has been violated.

3. What should the district have done? Why?

Technical Assistance Module: RD
Reading 1

EYES ON THE PRIZE

Eyes on the Prize is a video production of Blackside, Inc., Henry Hampton, Executive Producer. The series has been presented on PBS by WGBH Boston.

Other components of the project are:

A companion volume -- Eyes on the Prize: America's Civil Rights Years, by Juan Williams. A Robert Lavelle Book, published by Viking. (Available at bookstores)

An anthology of readings -- Eyes on the Prize: Reader and Study Guide, edited by Clayborne Carson, David J. Garrow, Vincent Harding, and Darlene Clark Hine. Published by Viking.

A college telecourse -- a thirteen-week college telecourse offered by PBS Adult Learning Service, (800) ALS-ALS8.

Video Cassettes -- offered for educational and institutional use by PBS Video, (800) 344-3337.

A booklet of readings (for use in 6th through 10th grade classrooms) -- Eyes on the Prize: A School Reader, edited by Steven Cohen. Available from Blackside, Inc.

For further information write to:

Blackside, Inc.
486 Shawmut Avenue
Boston, MA 02118

The history of the civil rights movement is not an abstract story from long ago. What happened during those years had an effect on the lives of all Americans.

AWAKENINGS 1954-1956

After the Civil War, by custom and eventually by law, black Americans throughout the South were banned from white hotels, barbershops, restaurants, and theaters. In 1896, the Supreme Court ruled that segregated seating in railroad cars was constitutional as long as the separate accommodations were equal. Although this case (known as Plessy v. Ferguson) involved interstate travel, the "separate but equal" provision was applied to school systems and all other public services. This landmark ruling formed the legal basis of segregation in America.

In 1941, President Franklin D. Roosevelt, concerned with America's political position in the world, proclaimed a doctrine of Four Freedoms -- freedom of speech and expression, freedom of worship, freedom from want, and freedom from fear. Although black Americans applauded Roosevelt's doctrine, they demanded a Fifth Freedom: freedom from racial segregation and its economic exploitation and social humiliation. The denial of civil rights was at the root of racial strife in America.

Blacks had organized to gain their rights long before the 1940s. The National Association for the Advancement of Colored People (NAACP) was founded in 1909, and as early as 1935 NAACP lawyers prepared court cases to challenge segregated schools. The movement for black equality continued during and after World War II. Black soldiers who fought in segregated units expected equal opportunity at home after contributing to the U.S. victory abroad.

In 1950, the NAACP decided to attack the legal principle of segregation established in Plessy v. Ferguson. At the time, segregation in public schools was required in 17 states and the District of Columbia. In the early 1950s the NAACP brought several cases to local courts, including Brown v. The Board of Education of Topeka. The other cases originated in South Carolina, Virginia, Delaware, and Washington, D.C. These cases were consolidated by the Supreme Court. A breakthrough in civil rights came on May 17, 1954, when the Supreme Court justices unanimously agreed that, because separate schools were inherently unequal, segregated schools were unconstitutional.

The deep South was determined to resist change brought on by the Supreme Court's 1954 decision declaring the unconstitutionality of a dual school system - one white, one black. One example of the white resistance was seen in the killing in Mississippi of Emmett Till, a 14-year-old Chicago native, who was visiting relatives during the summer of 1955. Two white men were arrested and charged with the murder. Till's uncle Mose Wright gave blacks courage when he entered the hostile, southern court to testify against the two accused men. Although both were acquitted by the all-white jury, Wright's stand marked the beginning of a profound change in black attitudes toward the social system.

Three months later, in December 1955, a mass movement that would change the system of segregation was sparked by Rosa Parks in Montgomery, Alabama. When Parks refused to give up her bus seat to a white passenger, she was arrested. Her case prompted Jo Ann Robinson and the Woman's Political Council, along with the local black leadership, to call for a boycott of Montgomery's segregated bus system. Rev. Martin Luther King, Jr., then just 26

years old, became the leader of the twelve-and-a-half-month boycott organized by the Montgomery Improvement Association. In November 1956, the U.S. Supreme Court ruled that Montgomery's segregated bus system was unconstitutional. The boycott ended with King proclaiming that the Court decision was not just a victory for Montgomery's 50,000 blacks, but "a victory for justice."

FIGHTING BACK 1957-1962

Although the Brown ruling of 1954 was a unanimous decision, the American public's reactions to it varied greatly. In the North, where segregated schooling was not a matter of public policy, blacks viewed the decision as a victory for equality. Most whites in Northern states felt that the decision had little meaning for them. In the South, however, many whites viewed the Court's decision as an intrusion of the federal government into their way of life. Southerners pointed out that the North, too, was segregated -- northern cities had black neighborhoods and white neighborhoods, certain jobs for whites and certain jobs for blacks.

Black people in the South were profoundly affected by the Court's decision. Many felt for the first time that the government might be on their side, and that it might now be possible to throw off years of oppression. But a year passed before the Court delivered its instructions on just how school desegregation was to be implemented. When the Court's directions in what had come to be known as Brown II was summarized in the phrase "with all deliberate speed," many black people were disappointed and felt that the government would not support desegregation.

Southern elected officials rejected the 1954 Supreme Court decision, defending what they saw as the southern way of life.

In 1956, a black woman, Autherine Lucy, was admitted to the all-white University of Alabama. Riots ensued and Lucy was suspended three days later "for her own protection." Although the court ruled that she be readmitted, Lucy decided not to fight further.

In 1957, the Little Rock School Board in Arkansas decided to admit nine black students to its Central High School. Governor Orval Faubus called out the Arkansas National Guard to prevent the integration of Central High; the soldiers surrounded the high school and admitted whites only. An angry mob appeared at the school to harass the black students. The local NAACP went to court to support the nine students. President Eisenhower, reluctant to act at first, interceded, saying that mob violence would not overrule court decisions. Eisenhower sent in the 101st Airborne Division. Under the protection of the

federal government, the students were finally admitted and escorted to classes by soldiers.

In 1958, the first of the black students graduated. Governor Faubus closed all public high schools in Little Rock rather than continue the integration effort.

In 1962, after several unsuccessful attempts to enroll at the University of Mississippi, a young black man, James Meredith, won a legal victory. A court ordered that he be allowed to register. Governor Ross Barnett blocked his admission. President Kennedy negotiated with Barnett, but the Governor resisted and the U.S. marshals were sent to escort Meredith onto the campus. The night before Meredith registered, a riot broke out at "Ole Miss," as the University of Mississippi is called. Nonetheless, Meredith successfully registered the next day.

AIN'T SCARED OF YOUR JAILS 1960-1961

Black college students in the early 1960s had much in common--particularly the memory of Little Rock in 1957, where students their own age had defied white mobs to integrate Central High School. This generation of black students entered college with high hopes. The students felt they could make a difference, and they wanted change in all areas of human rights.

In 1942, nearly 20 years before sit-ins and freedom rides, the Congress of Racial Equality (CORE) had been formed to promote change through organized physical protest. In 1942-1943, CORE began holding sit-ins in Chicago to desegregate public accommodations. As early as 1947, 23 black and white CORE demonstrators rode buses through Virginia and North Carolina to test the Supreme Court's ban on segregated interstate travel. The sit-ins of the early 1960s were a massive application of nonviolent protest tactics -- a revival of the CORE sit-in technique, this time led by students who attended high school during and after the 1954 Brown decision.

World developments, particularly in Africa, also fueled the civil rights movement. Black Americans took note when many colonial nations gained their independence. The black struggle for freedom was winning victories in many parts of the world and black students wanted freedom in America as well.

In 1960, young people on college campuses became part of the movement's leadership and tried their own methods of promoting change. Black students held sit-ins, requesting service at "whites-only" lunch counters in Greensboro, North Carolina. Within ten days the sit-ins spread to 15 southern cities.

Nashville, Tennessee, became the center for student nonviolent workshops and direct action led by James Lawson and Diane Nash. Under attack and arrest, the students remained true to their training in nonviolence. Local black communities supported the jailed students by boycotting downtown stores. National boycotts were organized by the NAACP and CORE, and a boycott by black customers in Nashville was 98% effective. The mayor of Nashville admitted that discrimination at lunch counters was morally wrong, and three weeks later black customers were served for the first time at formerly all-white lunch counters.

Out of this student movement, the national Student Nonviolent Coordinating Committee (SNCC) was formed. SNCC became a new leader in the struggle for social reform.

The presidential campaigns of John F. Kennedy and Richard M. Nixon interacted with the intensified civil rights movement. Both candidates wanted the southern vote and were cautious in courting civil rights groups. Rev. Martin Luther King, Jr. was released from jail after Kennedy influenced a Georgia judge. Kennedy won a close election with a huge black vote.

In 1955, the Interstate Commerce Commission had banned racial segregation on interstate carriers. But in 1961 interstate travelers were still segregated on buses in bus terminals. CORE decided to test President Kennedy's commitment to civil rights enforcement. With CORE director James Farmer in the lead, blacks and whites rode through the South on Greyhound and Trailways buses. Outside Anniston, Alabama, the Freedom Riders' bus was firebombed. Another bus, arriving in Birmingham, was attacked by a mob. The Freedom Rides were about to end in Birmingham until a group of students, most from the Nashville sit-ins, took over for the original Freedom Riders. The FBI provided no protection. The second wave of riders was attacked in Montgomery and, when they arrived in Jackson, Mississippi, the Riders were jailed. During the summer of 1962, Freedom Riders poured into Jackson; over 300 were arrested. In late September 1961, the Interstate Commerce Commission issued regulations banning all segregated seating in interstate vehicles and terminals. The focus of black protest changed from challenging specific laws to challenging a broad range of racial and economic inequities.

NO EASY WALK 1961-1963

For years, many large employers refused to hire black men and women. This was particularly true in defense-related industries. Blacks also were usually barred from labor unions. Many employees in both the North and the South refused to hire black workers. In the summer of 1941, A. Philip Randolph, founder and leader of the all-black Brotherhood of Sleeping Car Porters, and Walter White of the NAACP had asked President Roosevelt to issue an

order ending discrimination in employment. When Roosevelt failed to act, Randolph called for a July 4th "March on Washington." The march was called off when Roosevelt established a commission to curb employment discrimination in defense-related industries and in government.

In 1963, Randolph, at age 74, was instrumental in organizing a new March on Washington. His 1941 protest movement had been all-black, but many white organizations participated in the 1963 march.

Roy Wilkins, the NAACP executive secretary, spoke at the 1963 March on Washington. He recalled the role of W.E.B. Dubois, who had died the night before in Ghana, West Africa, at age 95. Back in 1905, Dubois rallied black intellectuals in what was called the Niagara Movement, demanding voting rights for blacks and an end to all discrimination based on color. Four years later he helped found the NAACP.

By 1963, thousand of Americans were actively participating in the struggle for racial equality. As shown by the work of Randolph Dubois, the history of the civil rights movement is a long and proud one.

In the spring of 1961, SNCC workers arrived in Albany, Georgia, to help blacks organizing against segregation. SNCC students and Albany's black demonstrators were arrested; by December over 500 were in jail. Rev. Martin Luther King, Jr., was invited to Albany to make a speech. King ended up leading a march and was arrested.

SNCC students and Southern Christian Leadership Conference (SCLC) ministers worked together training people in the techniques of nonviolent response; Police Chief Laurie Pritchett had trained his men to deal with nonviolence. The protestors expected dramatic confrontations, but instead were met with quiet arrests. The civil rights workers turned to mass prayer meetings and marches, hoping to cause mass arrests to fill the jails. In July 1962, King and Rev. Ralph Abernathy were sentenced to 45 days in jail for leading protests. Three days later they were released by Chief Pritchett and Albany's blacks won no concessions. A federal court banned further demonstrations, and King left Albany a still-segregated city.

A new voice of white southern resistance arose in January 1963, when George Wallace became governor of Alabama. King and SCLC, weakened by their failure in Albany, traveled to Birmingham, Alabama, at the invitation of Rev. Fred Shuttlesworth, leader of the Alabama Christian Movement for Human Rights. Shuttlesworth had been fighting desegregation for several years, but stringent

segregation of public facilities had been maintained in Birmingham through violence and intimidation. King and SCLC launched boycotts and lunch counter sit-ins against downtown businesses just before Easter. As the jails began to fill, the SCLC ran low on bail money and, as in Albany, a court banned further demonstrations. Some black businessmen and white ministers urged him to leave Birmingham, but King decided that the movement must continue. He was jailed again and placed in solitary confinement. Eight days later he was released on bond and continued to plan demonstrations.

Children entered the ranks of the protest marchers, and also sat in at segregated public libraries. Police Chief Theophilus Eugene "Bull" Connor turned snarling police dogs and fire hoses on demonstrators and arrested 2,500, including 2,000 children. Amid daily confrontations, arrests, and jailings, Birmingham's white businessmen quietly negotiated with black leaders. Thirty-eight days after the start of the boycotts and sit-ins, Shuttlesworth and King reached an agreement with the business community on the employment of blacks and the desegregation of lunch counters.

Two weeks later, Governor George Wallace blocked the admission of two black students to the University of Alabama. President Kennedy used federal marshals to accompany the students as they registered.

President Kennedy called civil rights a moral issue and sent a civil rights bill to Congress. Eight days later, A. Philip Randolph, along with the SCLC, the NAACP, CORE and SNCC, announced a March on Washington, D.C., for August 28, 1963. More than 200,000 people participated. The older movement leaders asked the SNCC speaker, John Lewis, to tone down his anti-Kennedy rhetoric. Lewis reluctantly agreed to do so. King delivered his "I Have a Dream" speech.

But the fight was not over in Birmingham. On September 15, 1963, the 16th Street Baptist Church was rocked by a bomb. Four black girls attending Bible classes were killed and fourteen others injured.

MISSISSIPPI -- IS THIS AMERICA? 1962-1964

In many ways, Mississippi was like the South Africa of today in its rigidly segregated social system. Before the Civil War, even free blacks found it difficult to maintain their freedom. The controls that Mississippi and other southern states exercised over free blacks grew year by year. Mississippi compelled free blacks to have white guardians, and all southern states required free blacks to have passes to prove that they were not slaves.

From 1868 to 1875, some blacks held public office during the Reconstruction Period after the Civil War. But blacks in Mississippi were not as largely represented in their government as were blacks in other southern states during this time. There were 40 blacks in Mississippi's first Reconstruction legislature, some of whom had been slaves. In 1873 blacks held three important positions: A.K. Davis was lieutenant governor; James Hill was secretary of state; and T.W. Cardozo was superintendent of education. Two blacks served in the U.S. Senate from Mississippi -- Hiram Revels, in 1870, and Blanche Bruce, in 1874. In the mid-1870s, federal actions and white terrorist groups like the Ku Klux Klan ended this brief opportunity for blacks to participate in the political process.

Years later, in the wake of the Brown decision, white segregationist groups renewed their attack on civil rights activists.

In the 1950s, Mississippi had a white culture and a "colored" culture. Poverty was common among both races in this largely rural state. In 1954, the first Citizens' Council was formed in Mississippi, and these white councils essentially ran state politics for most of the decade. Blacks and whites who supported integration suffered economic and physical reprisal.

Voter registration campaigns were organized, but those who tried to register lost their jobs. Medgar Evers, field secretary for the NAACP in Mississippi, asked for federal help and appealed to people across the nation for donations and moral assistance.

The Mississippi voting rights drive drew national attention. The number of those attempting to register increased dramatically, and Evers led the NAACP in an economic boycott to end segregation in Mississippi's capital city of Jackson. Negotiations between Evers and Jackson's mayor failed to end discrimination. Demonstrations broke out, and hundreds were arrested and jailed. The battle in Jackson escalated. President Kennedy made his strongest speech on civil rights in June 1963. That night Evers was killed by an assassin outside his Jackson home. Following his murder, blacks in Mississippi were torn between the nonviolent approach espoused by Evers and the alternative of taking up arms against white Mississippi. Four months later, President Kennedy was assassinated in Dallas. Civil rights workers in Mississippi held a "Freedom Vote" in the fall of 1963 as practice for those who had never voted before. White students from the north traveled to Mississippi to help get out the Freedom Vote. Volunteers organized voter education classes and 80,000 people voted in the practice election. Plans were laid for the summer campaign of 1964.

In June 1964, over 1,000 volunteers poured into Mississippi to begin "Freedom Summer." Voter education and registration classes were held for adults. Leaders warned of violence and the possibility of death for those involved. Three young civil rights workers -- two white and one black -- disappeared.

Volunteers, black and white, canvassed house by house to register voters for a new political party, the Mississippi Freedom Democratic Party (MFDP). The search for the three missing workers went on. All civil rights workers were in danger, and J. Edgar Hoover announced that the FBI would not provide protection. On July 2, 1964, President Lyndon Johnson signed the Voting Rights Act. On August 4, the bodies of the three missing workers were found.

Denied access to the normal political process, blacks and supportive whites joined the MFDP to challenge the legitimacy of the all-white Mississippi delegation to the 1964 Democratic National Convention. Sixty-eight MFDP delegates traveled to Atlantic City and presented a demand to the Credentials Committee of the Democratic party for seats on the convention floor. This grassroots movement forced a showdown with President Johnson and Democratic Party officials. The Credentials Committee offered a compromise -- two at-large seats to the MFDP. But the MFDP was not satisfied with the compromise and demanded voting rights at the convention. The MFDP challenge became the seed for political reform in the Democratic party in Mississippi and across the nation.

BRIDGE TO FREEDOM 1965

Blacks in the greater Selma area were active in the civil rights struggle for many years before the city became front-page news in 1965. During the 1950s, Selma blacks had pushed for voting rights, but by 1963 only some 150 of the county's 15,000 voting-age blacks were registered voters. From 1954 through 1961, registrars had approved only 14 black applicants out of hundreds. The Alabama voter registration application was a long and complicated questionnaire used to reject qualified black applicants.

In 1961, the U.S. Department of Justice filed lawsuits seeking to have the federal courts force registrars to administer the registration test fairly. Although the Justice Department "won" the case, the Alabama registrar's determination prevented the registration of any sizable number of black voters.

President Kennedy had worked on a civil rights bill before his assassination. President Johnson supported the bill and it was signed into law in July 1964.

Even so, local registrars found loopholes in the voting rights provision of the bill.

Meanwhile, SNCC was organizing black citizens in the South. SNCC workers came to Selma in 1963 and assisted local activists in establishing weekly voter education classes. Facing constant harassment of SNCC workers by white law enforcement officers, Selma's black leaders turned to the SCLC for assistance in the struggle to secure voting rights.

In Selma, Alabama, SNCC waged a somewhat unsuccessful voter registration drive over a two-year period. Selma's black leadership invited SCLC to Selma, despite the potential conflict between SNCC's more militant tactics and SCLC's approach. Selma's public school teachers held a protest march for voting rights, inspiring many in the community. During February 1965, King was arrested. Released after five days in jail, King flew to Washington to meet with President Johnson.

A young black activist was shot by Alabama state troops and died. To protest his death, SCLC proposed a symbolic march from Selma to the state capital in Montgomery. Marchers assembled to leave Selma, but were brutally assaulted by club-swinging police on horseback. The march leaders called on clergy, black and white, from across the country to come to Selma. Federal protection from President Johnson was demanded and received, and a federal court sanctioned the march. The fifty-mile march began again on March 21 and ended five days later with 25,000 people marching into Montgomery. In August, President Johnson signed the Voting Rights Act, saying, "We shall overcome."

EDUCATION AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI and Race, Color, and National Origin Discrimination

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color, or national origin in programs or activities that receive Federal financial assistance. Title VI states that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Programs and activities that receive federal financial assistance from the United States Department of Education (ED) are covered by Title VI. ED maintains an Office for Civil Rights, with 10 regional offices and a headquarters office in Washington, D.C., to enforce Title VI.

Educational Programs and Activities Covered by Title VI

Agencies and institutions that receive ED funds covered by Title VI include: 50 state education agencies, their subrecipients, and vocational rehabilitation agencies; the educational and vocational rehabilitation agencies of the District of Columbia and of the territories and possessions of the United States; 16,000 local education systems; 3,200 colleges and universities; 120,000 proprietary institutions; and other institutions, such as libraries and museums, that receive ED funds.

Programs and activities that receive ED funds must operate in a non-discriminatory manner. These may include, but are not limited to: admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, vocational education, recreation, physical education, athletics, housing, and employment, if they affect those who are intended to benefit from federal funds. Also, a recipient may not retaliate against any person because he or she opposed an unlawful educational practice or policy, or made charges, testified, or participated in any complaint action under Title VI. For a recipient to retaliate in any way is considered a violation of Title VI. The ED Title VI Regulations (Volume 34, Code of Federal Regulations, Part 100) provide a detailed discussion of discrimination prohibited by Title VI.

The Office for Civil Rights Enforces Title VI

The Office for Civil Rights (OCR) in ED is responsible for enforcing Title VI as it applies to programs and activities funded by ED. OCR's responsibility to ensure that institutions which receive ED funds comply with Title VI is carried out through compliance enforcement. The principal enforcement activity is the investigation and resolution of complaints filed by people alleging discrimination on the basis of race, color, or national origin. Also, through a complaint review program involving selected recipients, OCR is able to identify and remedy discrimination which may not be addressed through complaint investigations. Compliance reviews differ from complaint investigations in that OCR has discretion in selecting the institution for review to assess its compliance with Title VI.

Given the large number of institutions under its jurisdiction, OCR is unable to investigate and review the policies and practices of all institutions receiving ED financial assistance. Therefore, through a program of technical assistance, OCR provides guidance and support to recipient institutions to assist them in complying voluntarily with the law. OCR also informs beneficiaries of Title VI, such as students and applicants for admission to academic programs, of their rights under Title VI.

OCR has investigated and worked with state and local officials to resolve many kinds of civil rights problems, including the following:

- The failure of some school districts to provide equal educational opportunity for national origin minority students who have limited proficiency in English.
- The maintenance by some state systems of higher education of separate college facilities for students based on their race, color, or national origin.
- The discriminatory assignment of minority students to classes designed for students who are mentally retarded.

How To File a Discrimination Complaint with OCR

Anyone who believes that there has been an act of discrimination on the basis of race, color, or national origin against any person or group in a program or activity which receives ED financial assistance may file a compliant with OCR under Title VI. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group. A complaint should be sent to the OCR regional office that serves the state in which the alleged discrimination occurred. A complaint must

be filed within 180 days of the alleged discrimination, unless the time for filing is extended for good cause by the Regional Civil Rights Director. If you also have filed a complaint under an institutional grievance process, see the time limit discussed later in this reading.

Complaint letters should explain who was discriminated against; in what way; by whom or by what institution or agency; when the discrimination took place; who was harmed; who can be contacted for further information; the name, address and telephone number of the complainant(s) and the alleged offending institution or agency; and as much background information as possible about the alleged discriminatory act(s). OCR regional offices may be contacted for assistance in preparing complaints. OCR never reveals to an institution under investigation the identity of the person who filed the complaint unless the person first gave OCR written consent to do so.

If an investigation indicates that there has been a violation of Title VI, OCR attempts to obtain voluntary compliance and to negotiate remedies. Only when it cannot obtain voluntary compliance does OCR initiate enforcement action. Enforcement usually consists of referring a case to the Department of Justice for court action, or initiating proceedings, before an administrative law judge, to terminate federal funding to the recipient's program or activity in which the prohibited discrimination occurred. Terminations are made only after the recipient has an opportunity for a hearing before an administrative law judge, and after all other appeals have been exhausted.

Prior to filing a complaint with OCR against an institution, a potential complainant can find out what the institution's grievance process is and use that process to have the complaint resolved. A complainant is not required by law to use the institutional grievance procedure before filing a compliant with OCR. However, in some institutions, filing a complaint with OCR precludes any further use of the institutional grievance procedures. Thus, it is important to know what effect, if any, filing a complaint with OCR will have on utilizing the institutional grievance process to address complaints of discrimination based on race, color, or national origin. If a complainant used an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

Where To Request Additional Information or File a Compliant

If you wish to file a complaint alleging race, color, or national origin discrimination by a recipient institution in your state or territory, write to the appropriate OCR regional office, and follow the instructions stated in the preceding section: How To File a Discrimination Complaint with OCR.

Source:
U.S. Department of Education, Office for Civil Rights. Washington, D.C.:
U.S.Government Printing Office, n.d.

Section 504 of the Rehabilitation Act of 1973

Handicapped Persons' Rights Under Federal Law

As part of the Rehabilitation Act of 1973 (Public Law 93-112), Congress enacted Section 504, the first federal civil rights law protecting the rights of handicapped persons. Section 504 provides that "no otherwise qualified handicapped individual in the United States...shall, solely by reason of...handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

On May 4, 1977, the Department of Education's predecessor, the Department of Health, Education, and Welfare, issued the final regulation implementing Section 504. The regulation became effective June 3, 1977. On May 9, 1980, the Department of Education adopted the same regulation.

The regulation applies to all recipients of federal financial assistance from the Department of Education. Recipients include state education agencies, elementary and secondary school systems, colleges and universities, libraries, vocational schools, and state vocational rehabilitation agencies.

Section 504 covers only those handicapped persons who are otherwise qualified to participate in and benefit from the programs or activities receiving federal financial assistance. This coverage extends to persons who are handicapped as well as persons who have a history of a handicapping condition and persons perceived by others to be handicapped. A handicapped person is anyone with a physical or mental impairment that substantially impairs or restricts one or more major life activities, such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

The term physical or mental impairment includes, but is not limited to, speech, hearing, visual and orthopedic impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, diabetes, heart disease, mental retardation, emotional illness, and specific learning disabilities such as perceptual handicaps, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. In accordance with a formal opinion issued by the Attorney General on April 12, 1977, alcoholism and drug addiction are also handicapping conditions.

The regulation requires all recipients that employ 15 or more persons to adopt grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of handicapping conditions in any action prohibited by the regulation. However, the procedures need not be established with respect to complaints from applicants for employment or applicants for admission to post-secondary educational institutions.

Employment Procedures

No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity which receives federal financial assistance.

With respect to employment, a qualified handicapped person is a person who, with reasonable accommodation, can perform the essential functions of the job in question.

The regulation prohibits discrimination in all employment-related decisions in federally assisted programs, including, but not limited to, recruitment, hiring, promotion, award of tenure, layoff and rehiring, compensation, job assignments, leave, fringe benefits, training, and employer-sponsored activities. This prohibition applies to employment-related decisions made by the recipient directly as well as decisions made by the recipient indirectly through contractual arrangements or other relationships with organizations such as employment agencies, labor unions, organizations providing or administering fringe benefits, and organizations providing training and apprenticeship programs.

Employers must provide and pay for reasonable accommodation, as needed, to enable qualified handicapped persons to perform the essential functions of the job unless an employer can show that the accommodation would impose an undue hardship on the operation of its program. Reasonable accommodation may include making facilities used by employees accessible to and usable by handicapped persons, job restructuring, modified work schedules, acquisition or modification of existing equipment, and the provision of readers or interpreters. As examples, an employer may be required to provide adequate workspace and access for an employee who uses a wheelchair, or a dictaphone for an employee who has a manual impairment and whose job requires the development of written materials.

Employers may not use employment tests or other criteria that screen out or tend to screen out handicapped persons unless the test scores or criteria are shown to be job-related for the positions in question and unless alternative tests or criteria that do not screen out or tend to screen out as many handicapped persons are not shown to be available by the Assistant Secretary for Civil Rights in the Department of Education. Employers must select and administer tests so as to ensure that the results reflect the applicant's or employee's ability, job skills, or other factors that the tests purport to measure, rather than the person's impaired sensory, manual, or speaking skills, except where those skills are the factors that the test is designed to measure.

Employers cannot require pre-employment medical examinations. Employers cannot make pre-employment inquiries as to whether an applicant is handicapped, or about the extent of a handicap, unless the employer is taking remedial action to correct the effects of past discrimination, or taking voluntary action to overcome the effects of conditions that resulted in limited participation by handicapped persons, or taking affirmative action under Section 503 of the Rehabilitation Act.* However, in each instance, the recipient must inform the applicant of the primary purpose and voluntary nature of the inquiry and that any information provided will be kept confidential. Employers may ask about the applicant's ability to perform job-related functions, and they may require a physical examination after they have made a conditional offer of employment, provided that all entering employees are subjected to a physical examination and that the results are not used in a discriminatory manner.

*Section 503 requires federal contractors to take affirmative action to hire, place, and advance qualified handicapped persons.

How To File a Complaint of Discrimination

Anyone who believes that there has been an act of discrimination on the basis of handicapping conditions against any person or group in a program receiving financial assistance from the Department of Education may file a complaint with the Office for Civil Rights. A complaint should be sent to the regional office that serves the state in which the discrimination allegedly occurred. A complaint must be in writing and must be signed. A complaint also must be filed within 180 days of the date of the alleged discrimination unless the time for filing is extended, for good cause, by the Regional Civil Rights Director.

Letters of complaint should explain who was discriminated against; in what way; by whom or by what institution; when the discrimination took place; who was harmed; who can be contacted for further information; the name, address, and telephone number of the complainant and recipient; and as much background information as possible about the alleged discriminatory act. These are suggestions, not requirements. However, the Office for Civil Rights can respond more efficiently if it is well informed. OCR regional offices may be contacted for assistance in the preparation of complaints.

U.S. Department of Education, Office for Civil Rights. Washington, D.C.: U.S. Government Printing Office, 1984.

Race Desegregation - Gender Equity - National Origin Desegregation

TECHNICAL ASSISTANCE AND TRAINING MODULES

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Race Desegregation -- Gender Equity -- National Origin Desegregation

TECHNICAL ASSISTANCE MODULES

Federal Satutes and Directives Regarding National Origin Students will familiarize participants with the legal aspects of providing services to limited English proficient (LEP) students.

Federal Statutes and Directives Regarding Title IX Compliance will familiarize participants with the legal aspects of sex discrimination under Title IX compliance.

Civil Rights Compliance: An Update will familiarize participants with the legal intent, the procedural requirements, and the employment practice requirements contained in Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973.

TRAINING MODULES

I ***First and Second Language Acquisition Processes*** will familiarize participants with the processes a non-English-speaking student goes through as he/she acquires English as a second language.

II ***Integrating the ESL Student into the Content Area Classroom*** will familiarize participants with classroom management theory and strategies that integrate the ESL student successfully into the content area classroom.

III ***Recognizing Cultural Differences in the Classroom*** will familiarize participants with cultural elements that some national origin minority populations may bring to the school environment.

IV ***Sex Stereotyping and Bias: Their Origin and Effects*** will assist participants in identifying sources and effects of sex stereotyping and bias, in the classroom setting and in society as a whole.

V ***Modeling Equitable Behavior in the Classroom*** will assist participants in identifying and practicing classroom behaviors and language patterns that are free of gender stereotyping and bias.

VI ***Avoiding Sex Bias in Counseling*** will allow counselors the opportunity to review concepts and strategies that can be used to provide students with sex-fair guidance.

VII ***Equity in Counseling and Advising Students: Keeping Options Open*** will provide participants with cross-cultural counseling practices that can be used when working with culturally diverse populations.

VIII ***Interpersonal Communications: A Human Relations Practicum*** will provide participants with information on the skills which establish foundations for effective interpersonal communication.

IX ***It's A Matter of Race: Race Relations in the Desegregated Setting*** will familiarize the participants with key issues regarding interpersonal race relationships in the desegregated setting, and offers suggestions on how to handle these relationships effectively.

This module is one of a twelve-part series.
Each title is available at a cost of $7.50.
The entire series is available at a cost of $75.00.

The series consists of:

Technical Assistance Modules

Federal Statutes and Directives Regarding National Origin Students

Federal Statutes and Directives Regarding Title IX Compliance

Civil Rights Compliance: An Update

Training Modules

I First and Second Language Acquisition Processes

II Integrating the ESL Student into the Content Area Classroom

III Recognizing Cultural Differences in the Classroom

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V Modeling Equitable Behavior in the Classroom

VI Avoiding Sex Bias in Counseling

VII Equity in Counseling and Advising Students: Keeping Options Open

VIII Interpersonal Communications: A Human Relations Practicum

IX It's a Matter of Race: Race Relations in the Desegregated Setting

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Desegregation Assistance Center - South Central Collaborative

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